IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

Crl.MC.No. 3481 of 2006()

ST.1159/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, TRIVANDRUM

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PETITIONER: ACCUSED:

P. MADHUSOODANAN, S/O. PONNAPPA PANICKER
AGED 55, `OUR NEST' SWATHI LANE,
KANNANMOOLA, THIRUVANANTHAPURAM.

BY ADV. SRI.K.S.MADHUSOODANAN

RESPONDENTS: COMPLAINANT & FORMAL PARTY:

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1. SUB INSPECTOR OF POLICE,
POOTHURA, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.3481 OF 2006

Dated this the 11th day of December, 2006.

ORDER

The petitioner has come to this Court with the grievance that cognizance taken on the final report submitted by the police is after the period of limitation. A report of the learned Magistrate was called for. The learned Magistrate specifically reports in the report submitted by him that this aspect was omitted to be taken into consideration.

2. I am, in these circumstances, satisfied that cognizance also deserves to be set aside and the learned Magistrate deserves to be directed to consider the matter afresh and pass appropriate orders on the question of taking cognizance. Both sides shall appear before the learned Magistrate on 02.01.2007. The learned Magistrate shall consider the matter afresh and pass appropriate orders on the question of taking cognizance. Both sides will be heard on that question. Both sides shall appear before the learned Magistrate without waiting for any further direction. The learned Magistrate shall dispose of the matter, within a period of 7 days from the date on which a copy of this order is placed before the learned Magistrate or within 7 days of

02.01.2007 whichever is later. Until the learned Magistrate passes fresh orders on the question of cognizance, no bail need be insisted from the petitioner.

R.BASANT
JUDGE

rtr/